

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YOCELIN MORALES,	:
	:
Plaintiff,	:
	:
– against –	:
	:
LOS CAFETALES RESTAURANT CORP.	:
(d/b/a LOS CAFETALES BAKERY &	:
RESTAURANT), ISRAEL ARIZA BARRIOS,	:
and CAROLINA BERMUDEZ,	:
	:
Defendants.	:
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**MEMORANDUM DECISION AND
ORDER**

21-CV-1868 (AMD) (JAM)

ANN M. DONNELLY, United States District Judge:

On October 12, 2023, then-Magistrate Judge Ramon E. Reyes, Jr.¹ issued a report and recommendation, recommending that the Court grant the plaintiff’s motion for default judgment. For the following reasons, the Court adopts the report and recommendation in full.

On April 7, 2021, the plaintiff sued the defendants—her former employers—for violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*; New York Labor Law §§ 190 *et seq.* and 650 *et seq.*; and the New York Codes, Rules, and Regulations, 12 N.Y.C.R.R. § 146-1.6. (ECF No. 1.) The plaintiff served the individual defendants on June 24, 2021 (ECF Nos. 9, 10) and the corporate defendant on June 25, 2021 (ECF No. 8). The defendants’ answers were due on July 15, 2021 and July 16, 2021, respectively. When they did not respond, Judge Reyes directed that either (a) the parties file a stipulation extending the defendants’ time to answer, (b) the plaintiff move for the entry of a notation of default, or (c) the defendants file an answer. (*Nov. 5, 2021 ECF Order.*) On June 1, 2022, after obtaining new counsel, the plaintiff

¹ Judge Reyes was sworn in as a United States District Judge on November 14, 2023.

requested a certificate of default (ECF No. 16), which the Clerk of Court granted on June 6, 2022 (ECF No. 19). On June 24, 2022, the plaintiff moved for default judgment. (ECF No. 20.) On January 3, 2023, Judge Reyes recommended that the Court deny the motion without prejudice because of the motion's procedural errors, inconsistent pleading, and unreasonably high calculation of attorney's fees and costs (ECF No. 21); the Court adopted the report and recommendation in its entirety on January 24, 2023 (ECF No. 23). On April 21, 2023, the plaintiff filed a second motion for default judgment. (ECF No. 30.) On October 12, 2023, Judge Reyes issued a report and recommendation, recommending that the Court grant the plaintiff's motion. (ECF No. 34.) Neither party has objected to the report and recommendation, and the time for doing so has passed.

A district court reviewing a report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). To accept a report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have carefully reviewed Judge Reyes's well-reasoned report and recommendation for clear error and find none. Accordingly, I adopt the report and recommendation in its entirety. The plaintiff's motion for default judgment is granted.

CONCLUSION

For these reasons, I adopt the report and recommendation in its entirety. The plaintiff's motion for default judgment against the defendants is granted.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
November 20, 2023